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Meese: White House for less secrecy

By George Brandon

Decrying the "vast overclassification" of government documents, presidential counsellor Edwin Meese III said the Administration will drop language in early drafts of a proposed executive order on classification rules that would have expanded government secrecy.

"I know that we have vast overclassification of documents," Meese said in an address March 12 to publishers attending the National Newspaper Association's annual Government Affairs conference, in Washington, D.C. "We used to say that anything that's marked *Secret* means you can see it in *Time*, *Life* or *Newsweek*; whereas if it's *Top Secret*, you only find it in *Fortune*. Well, that's not totally true, but there's a lot to it."

"I've seen stuff that's classified *Secret*, and I've already read it that morning in the newspaper," Meese told the publishers. "so, we're trying as an administration—the official policy is—to decrease the number of classified documents to those that are actually vital to the national security and then do a better job of safeguarding those."

Meese suggested that press and congressional reports of a draft of the proposed executive order erred in assuming that the language of a staff draft circulated in Congress for comment reflects the administration's final view.

"I've got to admit that early on, as they always do, the bureaucracy tested us," Meese said, "and they tried to expand classification. I think you will find that that is being corrected in the current drafts of the classification executive order that are now being studied."

Meese's remarks came two days after House Government Information and Individual Rights Subcommittee Chairman Glenn English denounced the Administration for refusing to testify during a March 11 hearing on the proposed classification order. In cancelling the Thursday hearing after the National Security Council and the Justice Department declined to end witnesses, the Oklahoma Democrat said it seemed clear "the Reagan Administration is not anxious to let the Congress and the American public know what it is doing."

English's subcommittee did hold the first day of two scheduled hearings March 10, and representatives of the press organizations, historians and a civil liberties group agreed that the draft supplied to

secrecy in the name of national security that had begun in the Eisenhower Administration.

Representing the National Newspaper Association, the American Newspaper Publishers Association and the American Society of Newspaper Editors, Charles S. Rowe told the English subcommittee that the draft order, if adopted by President Reagan, should eliminate "any possibility of discretionary release of information." Rowe is editor of the *Fredericksburg (Va.) Free-Lance Star*.

An earlier order issued by President Richard M. Nixon required the release of information when a government reviewer has "substantial doubt" it should be secret, Rowe said. A subsequent order adopted by President Jimmy Carter—the one the proposed Reagan draft would supersede—says information should not be classified when there is reasonable doubt.

"The Reagan proposal would require that any doubt about whether information should be classified should be resolved by classifying," Rowe said. It would send the clear message to government officials: "If you are at all in doubt, withhold," he said.

CBS News correspondent Bob Schieffer told the committee that the Society of Professional Journalists, Sigma Delta

Chi, views the draft executive order as "part of a broader attempt to reduce the flow of information from government."

"The (draft) order seeks to accomplish by executive fiat what the Administration has thus far been unable to accomplish through legislation: it effectively amends the Freedom of Information Act to exempt a vast amount of material relating to national security that the public now has access to." A provision of the Federal FoI Act specifically exempts from disclosure rules information "properly classified . . . under criteria established by an executive order" in the interest of national defense or foreign policy.

Asked to respond to Meese's comments to the publishers later in the week that the draft language did not reflect the official position of the administration, Robert Gellman, subcommittee counsel, said, "My guess is that his statement is accurate . . . that you've got a bunch of low-level political staffers" who in drafting the proposed order have included "every secrecy proposal that you've ever thought of."

Gellman told *E&P* that, altogether, he is aware of four drafts of the proposed

mittees for comment by March 5. Gellman said he has not seen any new, less restrictive draft, that might have given rise to Meese's comments to the publishers.

A White House official who requested anonymity, told *E&P* after Meese's address to NNA that the proposed executive order is "still very much a negotiable document." The official said the draft language is still under review by Meese, National Security adviser William P. Clark and "a good number of people (in Congress)."

During the NNA session with Meese, K. Prescott Low, publisher of the *Quincy (Mass.) Patriot-Ledger*, prodded the President's counsellor to address "a real concern in this room" that Administration stands on issues of access to government records have signalled "a climate of closure, rather than openness."

Meese replied that it was mere coincidence that the administration's backing of amendments to the Freedom of Information Act and strong legislation to make it a crime to publish the names of intelligence agents occurred at the same time as a widely publicized crackdown on national security leaks and the study of the proposed executive order rewriting classification rules.

"All of these things happened to come at the same time," he said. "And that's why I think there may have been an atmosphere created in the minds of some people in the news media that there was a hostile attitude on the part of the Administration . . ."

"I would think that from the amount of information that's been made available—both authorized and unauthorized leaks—recently that you would have to conclude that very little is really deliberately being kept from the press."

In response to a question from Sam Matthews, publisher of the *Tracy (Calif.) Press*, Meese said the Administration is "sensitive" to the need for legislation protecting the news media from unfair competition by the American Telephone & Telegraph Co., if AT&T's proposed antitrust settlement with the Justice Department is implemented.

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